

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3054 FAX: (845) 255-4659
Website: www.dec.state.ny.us

P.B. # 07-14
8/11/08



Alexander B. Grannis
Commissioner

CC: M.E.
D.C.

August 7, 2008

Mark Edsall, Planning Board Engineer
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Nowicki Subdivision
Town: New Windsor County: Orange
DEC Project CH #- 2231

Dear Mr. Edsall :

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on July 24, 2008 .

Department Jurisdiction

Based upon our review of the circulated documents, it appears that the project may require the Department permits that are indicated below by a checked box:

- ☒ **Article 15, Protection of Waters:** The following stream is located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
<u>Subtributary of Moodna Creek</u>	<u>[C]</u>	<u>H-89-12-1</u>	<u>[non-protected,]</u>

- ☒ A permit is not required to disturb the bed or banks of "non-protected" streams.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

- ☒ **Article 24, Freshwater Wetlands:** For physical disturbance proposed within or near State-designated Freshwater Wetlands MB-29 Class 2 and MB-59 Class 2, or its 100-foot adjacent area (see enclosed map). If the project sponsors have not already done so, they should contact the Department to have the wetland boundary field inspected and validated by DEC staff, as noted in the enclosed sheet entitled "Delineating and Surveying Freshwater Wetland Boundaries".

The applicant will be required by DEC to demonstrate that the project meets the permit issuance standards contained in the Freshwater Wetland Permit Requirements Regulations (6 NYCRR Part 663.5; copy available upon request or on-line at "<http://www.dec.ny.gov/regs/4613.html>").

- ✓ **Compliance with the SPDES General Permit for Stormwater Discharges from Construction Activities:** For the proposed disturbance of over 1 acre of land. When other DEC permits are required, the sponsor must provide a copy of the required Stormwater Pollution Prevention Plan (SWPPP) with their permit application for DEC review and approval. Authorization for coverage under the SPDES General Permit is not granted until approval of the SWPPP and issuance of any other necessary DEC permits.
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- ✓ **Cultural Resources:** We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Therefore, review of the project should require preparation of a cultural resources assessment and the review by the New York State Office of Parks, Recreation and Historic Preservation.

- ✓ **Other:** The project site identified is located within the following Agricultural District:
ORA01
-

By copy of this letter, we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation permit requirements noted above may change based upon additional information received or as project modifications occur.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Sincerely,

Al Ciesluk

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Division of Environmental Permits
(845) 256- 3014

- ✓ Enclosures

cc: Project Sponsor (w/enclosures):
Louis and Janet Nowicki
106 Station Road
Salisbury Mills, NY 12577

NOTICE

This map shows wetlands protected under Article 24 of the State Environmental Conservation Law. Whether they are shown on this map or not, wetlands also may be protected under federal law, pursuant to Section 404 of the Clean Water Act, or under local law. Interested parties should consult with their appropriate Corps of Engineers office or local government to determine whether other permits are required.

New York State Freshwater Wetlands Map

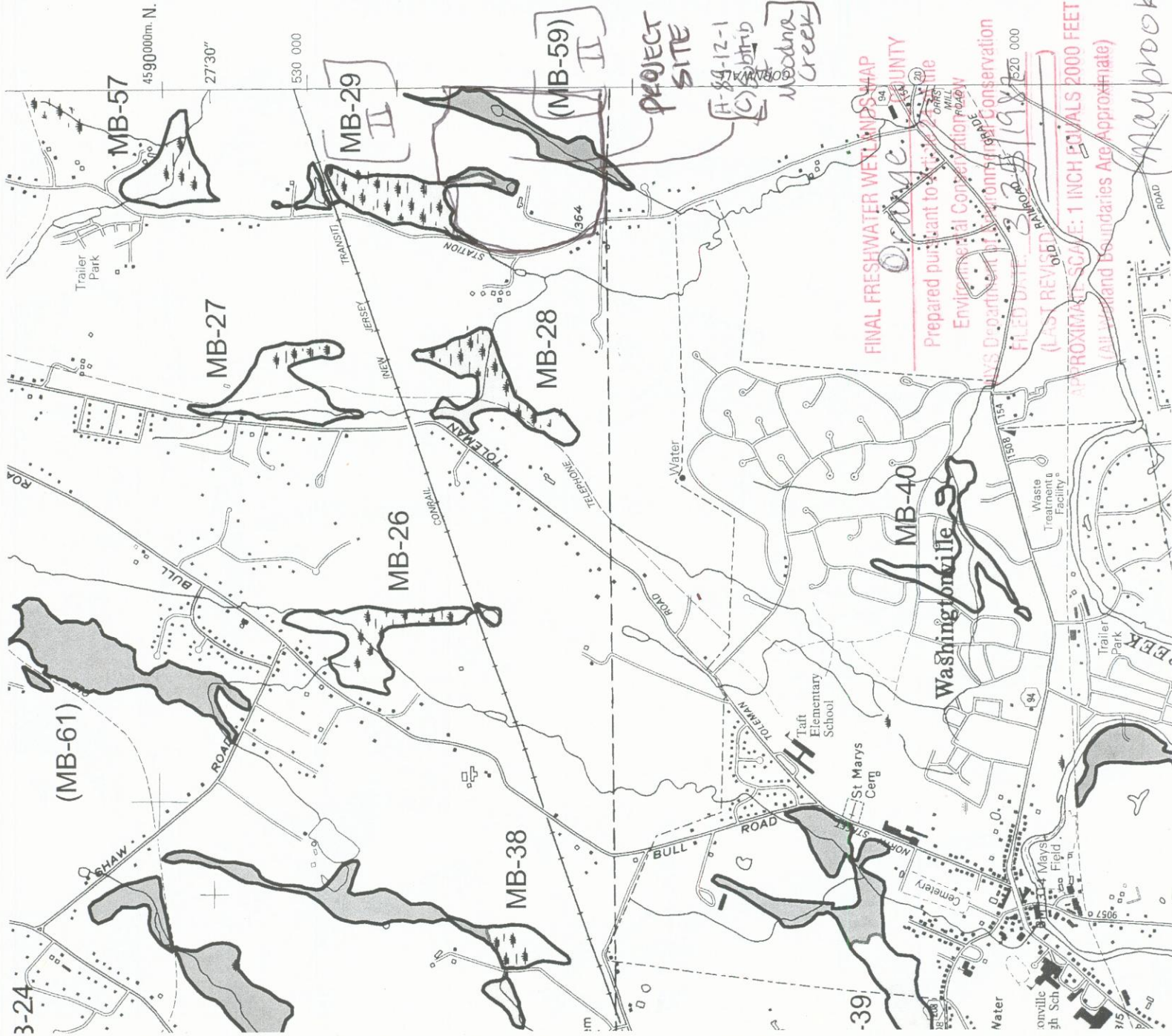
Orange County

Map 13 of 26



This map was promulgated, pursuant to Article 24 of the Environmental Conservation Law (The Freshwater Wetlands Act) on March 25, 1987 by the Commissioner of New York State Department of Environmental Conservation.

LEGEND



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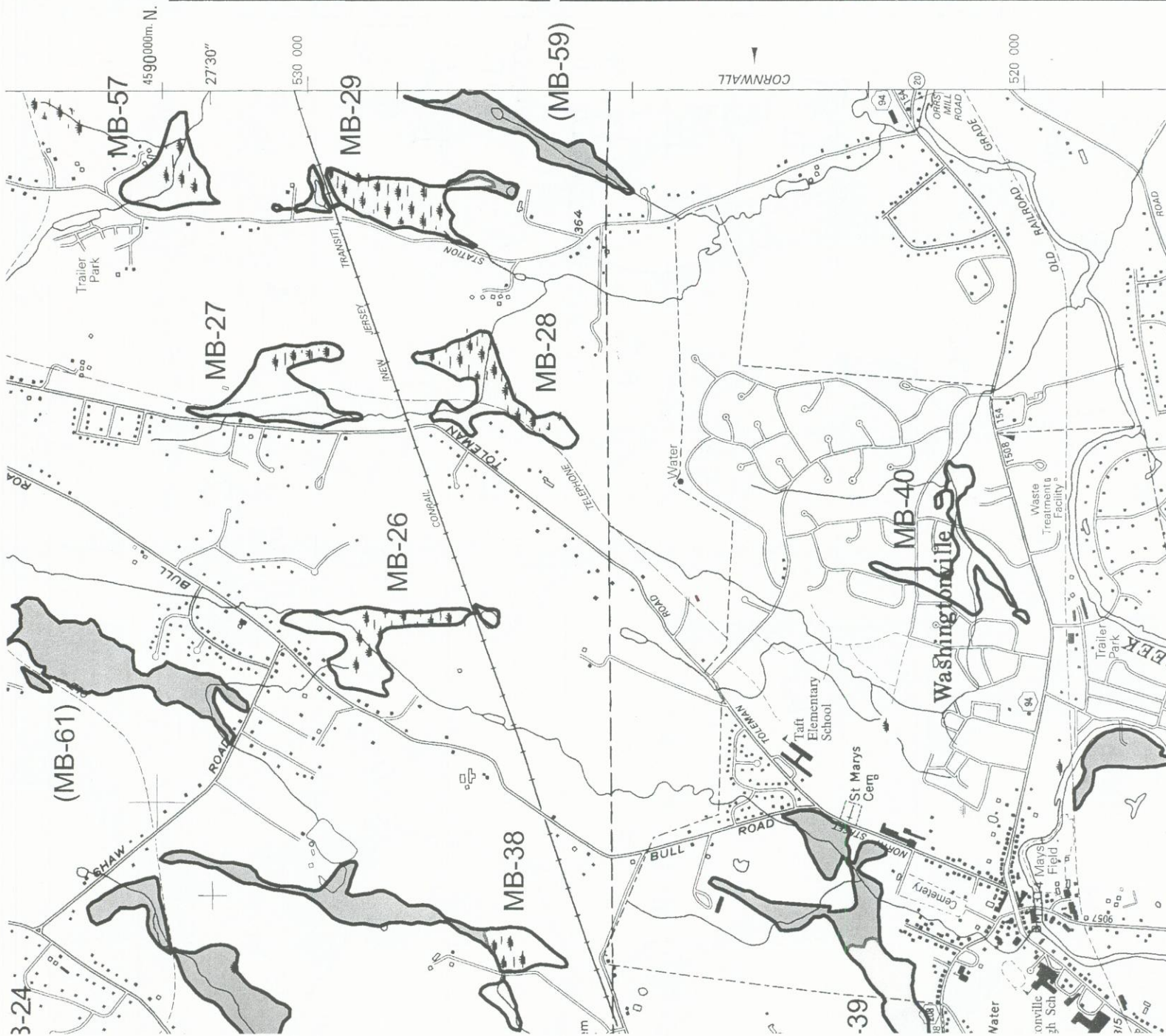


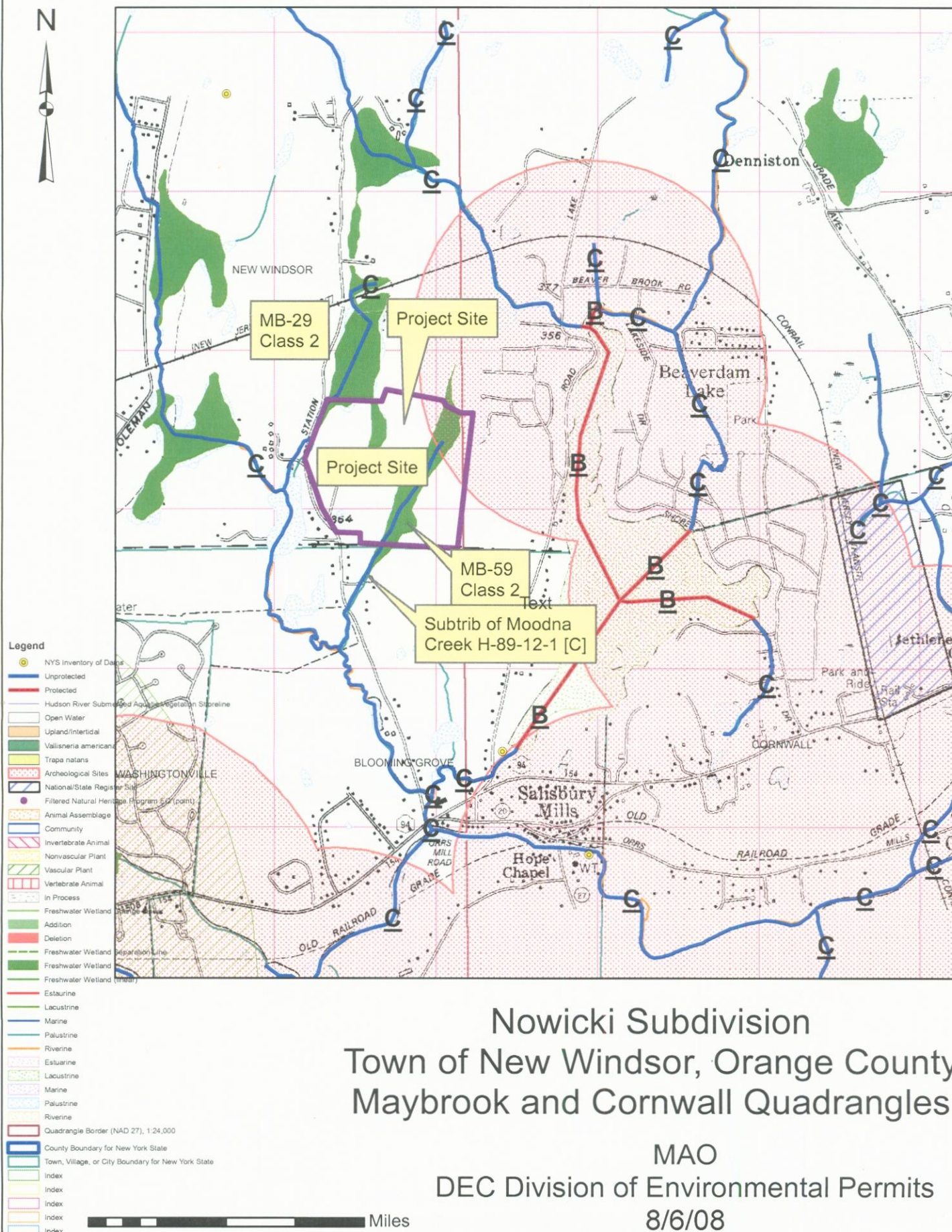
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DELINEATING AND SURVEYING FRESHWATER WETLAND BOUNDARIES

1. The purpose of the delineation of freshwater wetland boundaries is to provide a precise identification of the regulated wetland boundary and its 100 foot adjacent area in order to aid in the planning and design of projects which may affect the wetland resource.
2. New York State regulated freshwater wetlands may be delineated by qualified consultants. However, for a delineation to be official (e.g., for use in permit applications), it must be validated by Department of Environmental Conservation (DEC) staff. For more information, contact the appropriate staff, as follows:

(845) 256-2227
(845) 256-3057
(845) 256-3091

Jim Pinheiro
Doug Gaugler
Brian Drumm

Dutchess & Westchester
Orange & Sullivan
Putnam, Rockland & Ulster

3. In general, DEC requires that sponsors of development projects retain licensed engineers or surveyors to accurately plot the delineated wetland boundary on project plans. However, such surveys may not be needed for very small projects, inquiries of a general nature, or certain land sales.
4. Surveys and development plans for DEC permit applications must include the following validation block:

NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland _____ as delineated by _____ on _____.

DEC Staff: _____

Surveyor/Engineer: _____

Date: _____

SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for 10 years **unless** existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). **After 10 years the boundary must be revalidated by DEC staff.** Revalidation may include a new delineation and survey of the wetland boundary.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

5. In addition to the accurate identification of the freshwater wetland boundary, the limit of the 100 foot adjacent area must also be plotted on development plans and survey.
6. Copies of plans or surveys containing the boundary delineation and validation block must be submitted to the appropriate DEC staff person as listed above in item #2 for validation and original signature before applying for a DEC permit. One copy will be retained by DEC as a file copy. **The signature and seal of the surveyor/engineer must be present prior to requesting DEC validation.**